

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-38 remain pending. Claims 1, 2, 3, 4 and 5 are independent.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that the Examiner indicates claims 6-9, 15-16, 19-20, 22, 25, 29, 32 and 35-37 to define allowable subject matter.

§ 102 REJECTION – NAKAZAWA

Claims 1-2 and 4 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nakazawa et al. (USPN 6,331,903). Applicant respectfully traverses.

As noted in the previous Reply submitted on May 22, 2006 (May 22nd Reply), Applicant did not agree with the Examiner's allegation that Nakazawa teaches or suggests all features of claims 1-2 and 4 as pending prior to the May 22nd Reply. Nevertheless, to promote the progress of the prosecution, Applicant amended these claims to recite "wherein the image is taken without the use of a photographic film." The Examiner indicated that such feature overcomes the rejection in the Office Action dated February 22, 2006 (February 22nd Office Action). *See page 3, lines 13-15 of the February 22nd Office Action.*

In the August 10th Office Action, the Examiner now asserts that the proposed amendments were directed to claims 19-22 and not to independent claims 1-5. There is no such indication in the February 22nd Office Action, and the Applicant made the amendments to the independent claims in the May 22nd Reply in good faith. To the extent that the rejection is maintained, Applicant respectfully request that the finality of the August 10th Office Action be withdrawn.

Further, the system in Nakazawa is directed a system which uses a photographic film to obtain the image data. As admitted by the Examiner, the system in Nakazawa scans images on photographic films to obtain the image data. In other words, the invention disclosed in Nakazawa is not a system in which the image data is taken without the use of the photographic film. It is clear that Nakazawa cannot teach or suggest the feature of “wherein the image is taken without the use of a photographic film.” Accordingly, claims 1-2 and 4 are distinguishable over Nakazawa.

Applicant respectfully request that the rejection of claims 1-2 and 4 based on Nakazawa be withdrawn and that the finality of the August 10th Office Action be withdrawn.

§ 103 REJECTION – NAKAZAWA, KINOSHITA

Claims 3, 5, 21, 23-24, 28, 33 and 37 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa in view of Kinoshita et al. (USPN 5,448,377).

Similar to the situation regarding independent claims 1-2 and 4, claims 3 and 5 were also amended in good faith to recite “wherein the image is taken without the use of a photographic film” in the May 22nd Reply. Also, as noted above, this feature is not taught or suggested by Nakazawa. Kinoshita is not relied upon to correct for this deficiency of Nakazawa. Accordingly, claims 3 and 5 are distinguishable over the combination of Nakazawa and Kinoshita.

Claims 21, 23, 33 and 37 depend from independent claims 3 and 5. Accordingly, claims 21, 23, 33 and 37 are also distinguishable over the combination of Nakazawa and Kinoshita.

Claims 24 and 28 depend from independent claims 1 and 2, respectively. It is clear that claims 1 and 2 are distinguishable over the combination of Nakazawa and Kinoshita. Accordingly, claims 24 and 28 are also distinguishable over the combination of Nakazawa and Kinoshita.

Applicant respectfully request that the rejection of claims 3, 5, 21, 23-24, 28, 33 and 37 based on Nakazawa and Kinoshita be withdrawn and that the finality of the August 10th Office Action be withdrawn.

§ 103 REJECTION – NAKAZAWA, KINOSHITA, WALKER

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa in view of Kinoshita and in further view of Walker et al. (USPN 6,381,582). Applicant respectively traverses.

Claims 10-12 depend from independent claim 5, which is demonstrated to be distinguishable over the combination of Nakazawa and Kinoshita. Walker is not relied upon to correct for the above-noted deficiencies of Nakazawa and Kinoshita. Therefore, claim 5 is also distinguishable over the combination of Nakazawa, Kinoshita and Walker. Accordingly, claims 10-12 are distinguishable over the combination of Nakazawa, Kinoshita and Walker.

Applicant respectfully request after rejection of claims 10-12 based on Nakazawa, Kinoshita and Walker be withdrawn.

§ 103 REJECTION – NAKAZAWA, KINOSHITA, SLOTZNICK

Claims 13-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa in view of Slotznick et al (USPN 5,983,200). Applicant respectively traverses.

Claims 13-14 depend from independent claim 5, which is demonstrated to be distinguishable over the combination of Nakazawa and Kinoshita. Slotznick is not relied upon to correct for the above-noted deficiencies of Nakazawa and Kinoshita. Therefore, claim 5 is also distinguishable over the

combination of Nakazawa, Kinoshita and Slotznick. Accordingly, claims 13-14 are distinguishable over the combination of Nakazawa, Kinoshita and Slotznick.

Applicant respectfully request after rejection of claims 13-14 based on Nakazawa, Kinoshita and Slotznick be withdrawn.

§ 103 REJECTION – NAKAZAWA, KINOSHITA, PARULSKI, WATANABE

Claims 17-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa in view of Kinoshita and further in view of Parulski et al. (USPN 5,440,343) and Watanabe (USPN 6,529,236). Applicant respectfully traverses.

Claims 17-18 depend from independent claim 5, which is demonstrated to be distinguishable over the combination of Nakazawa and Kinoshita. Parulski and Watanabe, singularly or in combination, are not relied upon to correct for the above-noted deficiencies of Nakazawa and Kinoshita. Therefore, claim 5 is also distinguishable over the combination of Nakazawa, Kinoshita, Parulski and Watanabe. Accordingly, claims 17-18 are distinguishable over the combination of Nakazawa, Kinoshita, Parulski and Watanabe.

Applicant, respectfully request that the rejection of claims 17 and 18 based on Nakazawa, Kinoshita, Parulski and Watanabe be withdrawn.

§ 103 REJECTION – NAKAZAWA, KONDO

Claims 27, 31 and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa in view of Kondo et al. (US Publication 2001/0030687). Applicant respectively traverses.

Claims 27, 31 and 34 depend from independent claims 1, 2 and 3, respectively, which are demonstrated to be distinguishable over Nakazawa. Kondo is not relied upon to correct for the above-noted deficiencies of Nakazawa. Therefore, independent claims 1, 2 and 3 are also distinguishable over the combination of Nakazawa and Kondo. Accordingly, claims 27, 31 and 34 are distinguishable over the combination of Nakazawa and Kondo.

Applicant, respectfully request that the rejection of claims 27, 31 and 34 based on Nakazawa and Kondo be withdrawn.

§ 103 REJECTION – NAKAZAWA, KINOSHITA, KONDO

Claims 38 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa, Kinoshita and Kondo. Applicant respectively traverses.

Claim 38 depends from independent claim 5, which is demonstrated to be distinguishable over the combination of Nakazawa and Kinoshita. Kondo is not relied upon to correct for the above-noted deficiencies of Nakazawa and Kinoshita. Therefore, claim 5 is also distinguishable over the combination of

Nakazawa, Kinoshita and Kondo. Accordingly, claim 38 is distinguishable over the combination of Nakazawa, Kinoshita and Kondo.

Applicant, respectfully request to the rejection of claim 38 based on Nakazawa, Kinoshita and Kondo be withdrawn.

§ 103 REJECTION – NAKAZAWA

Claims 26 and 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakazawa. Applicant respectfully traverses.

Claims 26 and 30 depend from independent claims 1 and 2, respectively, which are demonstrated to be distinguishable over Nakazawa. Accordingly, claims 26 and 30 are also distinguishable over Nakazawa.

Applicant, respectfully request that the rejection of claims 26 and 30 based on Nakazawa be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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